

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, JUNE 1, 2017 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Anita Twitchell
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 3 Karen White
Councilmember-at-Large Matt Martin (Arrived 7:08 PM)
Councilmember-at-Large David Whitcomb

Also Present: City Manager Ted Andrzejewski
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager John Goodwin

Review of Community Core Values: Councilmember Ward 4 Wade read Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of May 4 2017. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote. (6-0)

Recognition of Guests:

- a. Thomas Zuber, Partner with Ray Wager CPA PC reviewed the 2016 Financial Statements for the City of Canandaigua. Mr. Zuber met with the Finance Committee on May 18th and reviewed the financial statements in detail. An unqualified opinion was issued with no material weaknesses or significant deficiencies. The City, like other municipalities, face challenges with the property tax cap, state aid uncertainties, retiree health cost and pension costs. The City has done a good job facing these challenges through the use of reserves, long term planning and a fund balance policy. Reviewed internal controls over the significant processes and had one procedural recommendation for the City.

- b. Kevin Olvany, Watershed Director, gave City Council an update on Watershed activities. These activities include lake monitoring with FLCC and stress stream analysis on streams that affect Kershaw Beach. The Watershed Council is also working on agricultural issues to address field run off issues, lawn and landscape practices education program and watershed education day. There are many other projects throughout the Canandaigua Lake watershed region and grant initiatives that are ongoing.
- c. Maria Bucci, West Gibson St. Canandaigua, stated that all the grants and projects that have been initiated has made a difference with property owners in the flood zone in reducing Flood Insurance premiums. Other things people can do to reduce flood insurance premiums is to increase your deductible, make sure mortgage company do not make you have more insurance than what your property (structure) value is, review the paperwork to make sure it is correct, hire a surveyor to get a FEMA elevation certificate, make sure your policy reflects the current flood zone mapping, and check date of construction for your structure on your policy. There are now some private companies that are carrying flood insurance so you can shop around.
- d. Maria Bucci and Carrie Magnan came to talk about the suffrage activist Susan B Anthony who was tried and convicted for voting at the Ontario County Courthouse in June 1873. There will be a celebration of 100 years of women's suffrage in New York on June 17 in Canandaigua starting at 7:00 PM at the Ontario County Historical Society. This program commemorates that historic event, celebrates her legacy, and highlights the efforts of other people from Ontario County who were influential in the women's suffrage movement. Visitors are invited to an exhibit at the Ontario County Historical Society called Votes for Women: the Suffrage Movement in Ontario County. Participants will then process to the Ontario County Courthouse and witness a dramatic presentation by Susan B Anthony and hear from speakers who will talk about the historic trial and the ensuing efforts of suffragists in Ontario County to win the vote for women. Participants are invited to dress as suffragists. This event is free and open to the public.
- e. Nicole Mahoney spoke to Council concerning the upcoming 4th of July celebration. The parade theme this year is "This Land That I Love" and there are already 80 entries. The parade will start at 10:00am from the Courthouse and proceed down Main Street to Lakeshore.. The community picnic will be in the afternoon with food and entertainment followed by the fireworks.

Committee Reports:

Planning Development Committee Meeting: No Meeting

Environmental/Parks Committee Meeting: May 9, 2017 (Appendix A)

- Special Event- Senior Class Picnic at Kershaw Park
- MS4 Report
- Ontario County Solid Waste Funding Plan

Ordinance/Charter Committee Meeting: May 16, 2017 (Appendix B)

- Special Event- Senior Class Picnic at Kershaw Park
- Food Trucks
- Traffic Safety
- Executive Session – Legal Update

Finance/Budget Committee Meeting: May 18, 2017 (Appendix D)

- Auditor's Report
- Little Library box in Jefferson Park
- Police recommendation for disposal of evidence
- Hurley Building Plan to reduce scope
- Steamboat project Staff reviews. Developers in serious negotiations with other parties to strike deal in the future.

Charter Review Committee: (Appendix D)

- March 15, 2017
- March 29, 2017
- April 4, 2017
- April 26, 2017

Resolutions:

Resolution #2017-054:

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AUTHORIZING A SPECIAL EVENT
CANANDIAGUA ACADEMY – SENIOR SUNSET**

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- *Canandaigua Academy – Senior Sunset*
Date: June 11, 2017
Location: Kershaw Park – Shelters 2-4 & 4-5 on street parking spots
Coordinator: Roberta Bittel – Canandaigua Academy
Time: 5:00PM – 10:00 PM
Purpose: Senior Class picnic
Expected Number of Participants: 300

WHEREAS, this request was reviewed and approved at the May 16, 2017 Ordinance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the above mentioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and

5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizer of the Special Event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Resolution #2017-055:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AUTHORIZING AN
INTER-MUNICIPAL AGREEMENT WITH ONTARIO COUNTY FOR LOCAL SOLID
WASTE MANAGEMENT**

WHEREAS, Ontario County adopted its Local Solid Waste Management Plan (LSWMP) in 2014 and said plan establishes the goals of minimizing waste generation, maximizing reuse, maximizing recycling, maximizing composting and organics recycling and maximizing efficiency in infrastructure development; and

WHEREAS, solid waste management in the County is de-centralized, with municipalities making solid waste related decisions and as a result Ontario County is seeking partnerships and assistance from municipalities to meet the quantitative and qualitative goals outlined in the LSWMP; and

WHEREAS, Ontario County has proffered an inter-municipal agreement (IMA) to the City to implement an organic waste composting program within the City that would involve providing residents with compost bins for backyard composting of organic and yard waste, educating residents on how and what to compost, and a feasibility study on treating organic waste at the City of Canandaigua Waste Water Treatment Plant; and

WHEREAS, as part of the IMA, Ontario County will provide the City of Canandaigua a total of \$94,379.46 to complete the project; and

WHEREAS, the Environmental/Parks Committee reviewed and approved the proposed agreement and project at its May 9, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute the inter-municipal agreement with Ontario County in substantially the same form as attached hereto.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Resolution #2017-056:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Terwilliger

A RESOLUTION AUTHORIZING THE DONATION OF POLICE EVIDENCE

WHEREAS, the Canandaigua Police Department (CPD) investigation of a theft that took place within the City in March 2016 unraveled an organized South American Theft group consisting of Chilean Nationalists that were being tracked by NY, NJ, CT, DE, MA, PA, NC, OH, VA, IL, IA, MN and NB; and

WHEREAS, the CPD along with the NYPD Organized Theft Squad executed a search warrant at the suspect's home in Queens which resulted in the recovery of a substantial sum of stolen merchandise that was brought to Canandaigua as evidence in the case (C#1604413); and

WHEREAS, in such cases the evidence that is not claimed/returned to its rightful owner is turned over to the City and sold at auction with the proceeds being deposited into the City's General Fund, however, City staff recommended that the large amount of clothing items (list attached) be donated to the Canandaigua Churches in Action; and

WHEREAS, said recommendation was reviewed and approved by the Finance/Budget Committee at its May 18, 2017 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the donation of police evidence consisting of clothing items from Case#1604413 that have been turned over to the City to Canandaigua Churches in Action.

Discussion: Items will be directly donated to individuals and no money will be made off of these items. Some Councilmembers felt that gift cards could be turned in for cash to help pay for the investigation.

Amendment:

Councilmember-at-Large O'Brien moved to strike clothing gift cards from the list of donated items. Council Member Ward 2 Twitchell seconded the motion.

The motion FAILED on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember-at-Large O'Brien and Councilmember-at-Large Terwilliger

NOES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, and Mayor Polimeni.

Original Resolution:

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 2 Twitchell

Resolution #2017-057

Moved: Council Member Ward 2 Twitchell
Seconded: Councilmember Ward 4 Wade

**A RESOLUTION APPROVING THE ROTARY CLUB LITERACY COMMITTEE TO BUILD A
LITTLE LIBRARY BOXES AT JEFFERSON PARK**

WHEREAS, Peter Mulvaney, co-chair of the Rotary Club Literacy Committee, requested permission to install a Little Library Box at Jefferson Park near the parking lot area; and

WHEREAS, City staff recommended that City Council approve the request and said recommendation was reviewed and approved by the Finance/Budget Committee at its May 18, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby approves the installation of a Little Library Box at Jefferson Park near the parking lot area.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien and Councilmember-at-Large Terwilliger

NOES: None

ABSTENTIONS: Mayor Polimeni

Ordinances: None

Local Laws: None

Manager's Report: City Manager Ted Andrzejewski reported the following:

- Kershaw Beach will have reduced weekday hours for the Month of June only.
- Red Cross program provides free smoke alarms to residents.
- Grand opening for the solar farm was held in May.
- Interviews are being held for the new fire chief.
- Preparing the DRI (Downtown Revitalization Initiative) application due June 14th.
- CGI company to do videos to highlight the City of Canandaigua

Appointments: None

Miscellaneous:

- John Goodwin was appointed Secretary – Treasurer of the State ICMA Executive Board.
- The Ontario County Board of Supervisors unanimously appointed Michele Smith as Director of Human Resources.
- Mayor Polimeni remembered Pat Boland, the first female Mayor of Canandaigua who passed away this past week. She made many contributions to the City and was responsible for getting the historical preservation firmly in place in Canandaigua.

Executive Session:

Councilmember Ward 4 Wade moved to close the regular meeting to go into Executive Session at 8:29 PM to discuss employment history of a particular person. Council Member Ward 2 Twitchell seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0)

Regular Session:

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:45 PM. Councilmember-at-Large Martin seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0).

Adjournment

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:45 PM. Councilmember-at-Large Martin seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0).

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
ENVIRONMENTAL/PARKS
Tuesday, May 9, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Matt Martin; Anita Twitchell; David Whitcomb
Other Council Members: Ellen Polimeni; Jim Terwilliger; Robert O'Brien; Karen White
Staff: Ted Andrzejewski; John Goodwin

1. Special Event – Senior Sunset

The agenda was amended to discuss the submittal of a special event from the Canandaigua Academy for a senior class picnic at Kershaw Park. The event involves the use of four pavilions and the parking lot for food trucks and fireworks. There was a questions as to whether the parking lot (food trucks) would be open to the public. **Motion by David Whitcomb, 2nd by Anita Twitchell to table the item to the Ordinance Committee until more details from the event were presented. Approved 4-0**

2. Municipal Separate Stormwater Sewer Systems (MS4) Annual Report

The City is required to submit an annual report to the New York State Department of Environmental Conservation (NYSDEC) as part of being covered under the State Pollutant Discharge and Elimination System (SPDES) General Permit for Storm Water Discharges from MS4s. There are six minimum stormwater management control measures involved in the report (1) Public education and outreach; (2) Public participation and involvement; (3) Illicit discharge detection and elimination; (4) Construction site storm water runoff control; (5) Post-construction stormwater management and (6) Pollution prevention & good housekeeping practices for municipal operations. The report is required to be presented at public meeting. **John Goodwin presented the annual report for the City's storm water management program covering the period of March 10, 2016 – March 9, 2017.**

3. Ontario County Local Solid Waste Management Plan - Funding

Ontario County's Local Solid Waste Management Plan establishes the goals of minimizing waste generation, maximizing reuse, maximizing recycling, maximizing composting and organics recycling and maximizing efficiency in infrastructure development. Because solid waste management in the County is de-centralized, with municipalities making solid waste related decisions, the County is seeking partnerships and assistance from municipalities to meet the quantitative and qualitative goals outlined in their plan. The County will provide the City \$94,379.46 (\$33,509.33 for 2016; \$25,111.45 for 2017 and \$35,758.68 for 2018) to complete a project or projects that will help the County reach the goals of the plan. The funding is permitted to be rolled over in order to accumulate sufficient funds for program implementation. There are two potential projects that City staff is considering/proposing to include in Schedule A of the attached contract proffered by the County:

1. Organic Waste Composting Program

This would involve providing residents a compost bin for backyard composting of organic and yard waste. It would also entail educating residents on how and what to compost. OR

2. Organic Waste Collection and Treatment Program

There are municipal programs that involve the collection of organic waste (food waste), treat the waste at a waste water treatment facility or an independent anaerobic digester, siphon off and convert the methane generated into electricity which is then sold back to the utility company. Conceptually, this project would involve the purchase of another garbage truck, hiring additional staff to collect the organic waste, the purchase and distribution of organic waste bins

APPENDIX A (Continued)
ENVIRONMENTAL/PARKS
Tuesday, May 9, 2017

and potential improvements to the waste water treatment facility. However, the benefits both economically and environmentally are potentially far greater. There is also the potential to partner with a private firm or other municipalities to implement this project. It is anticipated that NYSDEC will require the removal of organic waste from the waste stream in the near future. Additional research and analysis regarding this option is necessary. There is also an opportunity to leverage the County funding toward a NYS Climate Smart Communities Grant.

John Goodwin presented the above referenced ideas for incorporation in a contract with Ontario County for funds relative to implementation of the County solid waste management plan. **Motion to approve by Anita Twitchell, 2nd David Whitcomb. Approved 4-0**

Motion to adjourn at 7:45 made by Anita Twitchell, 2nd by David Whitcomb. Approved 4-0.

APPENDIX B
ORDINANCE/CHARTER COMMITTEE
Tuesday, May 16, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chair; Nick Cutri; Matt Martin; Karen White

Other Council Members: Ellen Polimeni; Robert O'Brien; Anita Twitchell; Jim Terwilliger

Staff: Ted Andrzejewski; John Goodwin; Michele Smith; Stephen Hedworth; Jim Sprague

1. Special Event – Senior Sunset

A special event was submitted by the Canandaigua Academy to hold a senior class picnic (Senior Sunset) at Kershaw Park. The event proposed having food trucks and fireworks and potentially closing a parking area. After a brief discussion at the May 9, 2017 Environmental/Parks Committee meeting, the item was tabled to the Ordinance Committee.

Roberta Bittel and Laure Blazey – Class of 2017 Advisors discussed the event and proposed changes – date changed to Sunday, June 11th, also changing location of the food trucks to on-street parking to keep the parking lots open. Motion to approve made by Matt Martin, 2nd by Nick Cutri. Vote 4-0

RESOLUTION for City Council

2. Food Trucks

In 2014, a great deal of discussion took place regarding a proposed ordinance (Ordinance #2014-009) relative to mobile food vending operation. The ordinance was voted down at the September 4, 2014 City Council meeting. Due to a recent interest in food truck operation in the City, Councilmember Whitcomb asked that the Committee renew its discussion. A general discussion was held by the Committee at its February 21, 2017 meeting and no action was taken. Councilmember Whitcomb forgot to invite the interested party to the meeting to discuss the request so it will be tabled till next month.

3. Traffic Safety

Councilmember Matt Martin requested that the Committee discuss two traffic safety issues:

a. Removing the stop sign at Jefferson and Beal Streets

City staff recommended removing certain stop signs at the Ordinance Committee in August and September last year, including the subject stop sign. The Committee did not accept the recommendation in regard to this stop sign. Councilmember Martin has requested that the matter be reviewed again as he has witnessed vehicular traffic on a regular basis disobey the traffic control device and it is creating a less safe situation.

Discussion regarding the pros and cons of removing the stop sign and possibly installing other traffic calming measures to bring attention to the park and its users. Need to get recommendation from Police and DPW, which addresses both the vehicular traffic on Jefferson and the pedestrians crossing into the park, plus inform the neighborhood of any recommended changes. **No action until recommendation received.**

b. Installing a mirror at Antis and South Main Streets

At the corner of Antis and South Main Streets the building on the southern portion creates a blind spot for vehicular traffic heading eastbound on Antis Street and pedestrian traffic heading northbound on South Main Street. Councilmember Martin has requested that mirror be considered in the right-of-way at the corner. A permit from the NYSDOT would be necessary to install such a mirror. City staff does not recommend a mirror. A mirror would allow a light source (sun or headlights) to blind motorists and exacerbate the safety at this corner.

General discussion regarding the pros and cons and other possible solutions, including making Antis St. a “one-way” street. Manager will review with staff for recommendation of one-way and notify residents.

4. Executive Session – Motion at 7:55 made by Matt Martin, 2nd by Nick Cutri for 1) Legal Update and 2) Information relating to current criminal investigations, which would imperil effective law enforcement if disclosed.

City Attorney will also provide an update to City Council on legal matters.

Adjourn at 8:35

APPENDIX C
FINANCE/BUDGET COMMITTEE
Thursday, May 18, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: Jim Terwilliger, Chair; Robert O'Brien; Karen White

Other Council members: Ellen Polimeni; Anita Twitchell; Matt Martin

Staff: Ted Andrzejewski; John Goodwin; Nancy Abdallah; Jim Sprague

1. Auditors Report

The unaudited financial statements were presented to the Finance/Budget Committee at its March 28, 2017 meeting. The City's independent audit has been completed and representative from Raymond F. Wagner will be at the Finance Committee meeting to briefly review the highlights of the 2016 audit. **Thomas Zuber from Raymond F. Wagner presented the 2016 Financial Statements. An unqualified opinion was issued meaning that there were no significant deficiencies or material weaknesses. Mr. Zuber lauded the City's financial management and stated that Canandaigua has done very well compared to other Cities in the Finger Lakes Region and Upstate Cities.**

2. Little Library Box – Jefferson Park

The Rotary Club Literacy Committee has been working to build Little Library Boxes throughout the community as a source of free books. The Literacy Volunteers Organization of Ontario and Yates Counties has partnered with the Rotary Club in this effort and will provide the books for the Little Library Boxes. One of the proposed locations is Jefferson Park near the parking lot area. **Mayor Polimeni presented as President of the Canandaigua Rotary. Motion to approve made by Karen White, 2nd by Robert O'Brien. Vote 3-0**

3. Disposal of Evidence

As you may recall, an investigation by Canandaigua Police Department of a theft that took place at the Canandaigua Wegmans in March 2016 unraveled an organized South American Theft group consisting of Chilean Nationalists that were being tracked in NY, NJ, CT, DE, MA, PA, NC, OH, VA, IL, IA, MN, and NB. The Canandaigua Police Department along with the NYPD Organized Theft Squad executed a search warrant at the suspect's home in Queens which resulted in the recovery of approximately \$150,000 in stolen merchandise that was brought to Canandaigua as evidence in the case. The evidence (merchandise) can now be disposed. City staff is requesting authorization to donate the clothing items to Canandaigua Churches in Action in lieu of auctioning off the items. Chief Hedworth will be at the meeting to present this request. **John Goodwin presented the item as Chief Hedworth was called away on a police matter. Other stolen items were returned to the owner or auctioned off. Motion Karen White, 2nd Robert O'Brien. Vote 3-0.**

4. Hurley Building Project

As previously reported at the April 4, 2017 Planning/Development Committee meeting the bids received for the first phase of the Hurley Building project were higher than anticipated which resulted in the completion of a cost estimate for the entire project to assist in phasing the project or eliminating portions due to budgetary constraints. The costs estimate for the project was significantly higher than budgeted and City staff was tasked with coming back to City Council with a recommended revised scope of work. A revised scope will be presented for the Committee's consideration. **Jim Sprague presented the modified scope of work for the Hurley Building Renovation Project. The project will**

APPENDIX C (continued)
FINANCE/BUDGET COMMITTEE
Thursday, May 18, 2017

require that previously authorizing bonding for City Hall projects be amended and added to the Hurley Building Project. Resolutions will be included on the July City Council meeting as Bond Council needs to amend the necessary financial documents and write the resolutions. Motion Robert O'Brien, 2nd Karen White. Vote 3-0.

5. Canandaigua Finger Lakes Resort – Options

As you know, the construction of the Hotel/Conference Center project stalled in the summer of 2015, with the only work completed since then being the installation of the roof (completed in Fall/Winter 2016). This has caused the fenced, steel structure to be a blighting influence on the City's lakefront and frustration to the residents. At the Finance/Budget Committee's March 28, 2017 meeting, the Committee requested that City staff prepare written options for actions the City could take that will, or may, improve the project site and encourage continued development.

Bob Murphy was in attendance and was asked for an update on the status of the project. Mr. Murphy reported that the public space is usable and safe for parking and that the parking islands have been planted and mulched. Mr. Murphy mentioned that he was in negotiations for financing and partnerships. He stated further that the meetings and negotiations are not "tire kicking" and that once complete bids will get updated and the construction will begin again. The Committee appreciated the work that was done and the developer's prompt response from its request at the May 4th City Council meeting. The City Manager reviewed a memo dated April 20, 2017 regarding potential actions that the City could take in regard to the project.

Motion to adjourn by Robert O'Brien, 2nd Karen White
Meeting adjourned at 9:00 PM.

APPENDIX D
CHARTER REVIEW COMMITTEE
Wednesday, March 15, 2017
7:00 p.m.
Hurley Building Conference Room

Members Present: Paul Bringewatt, Chair; Thomas Lyon, Vice-Chair; John Goodwin, Secretary; Jim Irwin; David Whitcomb; Bob Palumbo; Karen White Matt Martin; Jadon Hoffman

Members Absent: Nick Cutri; Jack Chambers

Advisors Present: Michele Smith

1. Public Hearing

- a. Paul opened the public hearing summarizing how the Charter Review Commission was formed and the process it took to review the Charter and make changes.
- b. Paul reviewed the changes that were made and then opened the floor for public comment.
 - i. **Eric Cooper, 141 Hubble Street**, spoke in opposition to the proposed changes to the definition of Employee. He felt that it would restrict volunteer firefighters from talking with City Council members and was opposed to giving the City Manager more power.
 - 1. Bob Palumbo agreed with much of what Mr. Cooper stated. Bob suggested that volunteers should be able to be a member of City Council and an active volunteer at the same time.
 - ii. **Andrew Cotter, 228 Jefferson Street**, spoke in favor of including term limits in the Charter. Mr. Cotter is concerned about longer terms lessening the ability/opportunity for new people to run for office. Mr. Cotter started a petition which was circulated on social media and received 42 signatures. Mr. Cotter stated that terms should be limited to ensure a good rotation and provide more people the opportunity to serve the community.
 - 1. Mr. Cooper spoke in opposition to term limits.

2. Public Hearing Closed at 7:30 PM

3. Open Discussion

a. Term Limits

- i. The Commission discussed term limits and openly asked if term limits would result in a better government and whether the benefits outweigh the benefits of experienced members of City Council.
- ii. Paul suggested additional research be conducted where term limits have been enacted and on the historical years of service on Canandaigua City Council.

b. Definition of Employee

- i. Michele Smith clarified that there is a prohibition of dual office holding and that volunteer firefighters are prohibited from being active volunteers and members of City Council regardless of the definition change.
- ii. Volunteer firefighters are part of the Chain of Command and answer to the Fire Chief and City Manager/Director of Public Safety.
- iii. Removal from being a volunteer firefighter would require the same due process as any paid employee.
- iv. It was asked why the City of Geneva does not have the same prohibition.
- v. The discussion was tabled until further research on the topic could be completed.

4. Adjourn-The meeting adjourned at 8:31 PM upon motion of Bob Palumbo, 2nd Karen White

APPENDIX D
CHARTER REVIEW COMMITTEE
Wednesday, March 29, 2017
6:00 p.m.
Hurley Building Conference Room

Members Present: Paul Bringewatt, Chair; Thomas Lyon, Vice-Chair; John Goodwin, Secretary; Jim Irwin; David Whitcomb; Bob Palumbo; Karen White Matt Martin; Jadon Hoffman

Members Absent: Nick Cutri; Jack Chambers

Advisors Present: Michele Smith

1. Approval of Minutes from March 15, 2017 Public Hearing

- a. The minutes from the Public Hearing were not available for review. The minutes were tabled to the next meeting of April 4th.

2. Administrative Information

a. Board of Elections

- i. Paul briefed the Commission on a meeting that took place at the Board of Elections on March 28, 2017. Paul, Jack Chambers, Jim Irwin, John Goodwin and Michele Smith meet with Ontario County Board of Elections Commissioners Mary Salotti and Michael Northrup.
- ii. The general consensus was that it is legal to make the charter effective on the date of the election including term changes for City Councilmembers elected at the same election; however, there were concerns that there could be confusion by the average voter.
- iii. A concern was raised that the voters that sign candidate petitions would not know the length of the term of office.

b. Term Limit Research

- i. Research was done on the composition of City Council dating back to 1980 to ascertain as to whether there was an issue that should be addressed through the Charter. A proposed term limit of 12 years in any position on the City Council was proposed
- ii. Of the 57 City Councilmembers since 1980, there were only 5 that served more than 12 years in total. Of the 5 only 3 served the 12+ years consecutively.

3. Discussion of Proposed City Charter

a. Definitions

- i. The definitions changes were intended to clarify existing practice, NYS Law and case law; however, the changes have caused confusion and contention.
- ii. The Commission discussed not changing the definitions.
 1. Any issues surrounding the interpretation of NYS Law and case law should be resolved outside of the Charter.
 2. The other Charter changes are good and the relatively minor definition changes were meant to clarify and not cause confusion and/or contention.

APPENDIX D (Continued)
CHARTER REVIEW COMMITTEE
Wednesday, March 29, 2017

- iii. *Motion made by Matt Martin, 2nd by Jadon Hoffman to remove the changes made to the definition of Employee, approved by 9-0 vote.*
- iv. *Motion made by David Whitcomb, 2nd by Matt Martin to remove the changes made to the definition of Officer, approved by 9-0 vote.*
- v. The changes made to the definition of Law were also discussed. The changes do not cause any confusion or contention.

b. Term Limits

- i. Terms limits were proposed by Andrew Cotter, a member of the public that attended the public hearing.
 - 1. The term limits as proposed by Mr. Cotter were a limit of 12 years in any position of City Council.
 - 2. This would result in a possible 36 year maximum years of service. (12 as Ward rep, 12 as At-Large and 12 as Mayor)
- ii. The Commission accepted public comment on the issue.
- iii. The Commission reviewed the term limit research and found that there is not a systemic issue that needs to be resolved and that voters should not have choices limited.
- iv. *Motion made by Matt Martin, 2nd Thomas Lyon to not adopt or add term limits to the proposed Charter, approved by 9-0 vote.*

c. Implementation of Staggered Terms

- i. There has been discussion at several Commission meetings regarding the legality and potential voter confusion of implementing the staggered terms at the same election as the referendum on the proposed Charter.
- ii. The general consensus was that the changes to the term length and staggering the terms could wait to be implemented until the next election to ensure that voters and candidates fully understand the length of the term as they vote.
- iii. *Motion by Jim Irwin, 2nd Matt Martin to implement the term changes at the 2019 election.*

d. Notice of Claim Reporting

- i. The proposed Charter changed the reporting of notices of claim and there was a concern by some Commission members that the change could appear that the City is not transparent.
- ii. Michele Smith clarified that there are only a handful of notice of claims in any given year and City Council is notified about potential litigation when a claimant is not satisfied with the response from the City's insurance company.
- iii. There was a concern that the language left the reporting requirements too open ended.
- iv. *Motion made by David Whitcomb, 2nd by Matt Martin to at "at least quarterly" so the sentence reads: The Clerk/Treasurer shall [at the next meeting of the]*

APPENDIX D (Continued)
CHARTER REVIEW COMMITTEE
Wednesday, March 29, 2017

periodically inform City Council *on the status* [~~present all such notices~~] of claims
against [~~to~~] the City, *at least quarterly* [~~Council~~].

4. Other

- a. The Commission scheduled a second public hearing on April 26, 2017 at the Hurley Building at 7 PM.
- b. The Commission had a brainstorming session regarding public education. Ideas included:
 - i. The City Manager's new public access show: Canandaigua Conversations
 - ii. Newspaper articles
 - iii. Advertisement in the newspaper and/or Penny Saver
 - iv. Speakers at local clubs such as Rotary, Kiwanis and Lions
 - v. A special show on FLTV
 - vi. Posting information on social media
 - vii. Presentations at City Council meetings
 - viii. Inclusion of information in a school district newsletter

5. Adjourn

- a. Meeting Adjourned at 7:12 PM

APPENDIX D
CHARTER REVIEW COMMITTEE
Wednesday, April 4, 2017
5:30 p.m.
Hurley Building Conference Room

Members Present: Paul Bringewatt, Chair; Thomas Lyon, Vice-Chair; John Goodwin, Secretary; Jim Irwin;; Bob Palumbo; Jack Chambers; Karen White; Jadon Hoffman; Matt Martin (6:01 PM)

Members Absent: Nick Cutri; David Whitcomb

Advisors Present: Michele Smith

1. Approval of Minutes from March 15, and March 29, 2017

- a. Motion made by Karen White, 2nd Bob Palumbo. Approved 8-0

2. Administrative Information

- a. None

3. Review of City Charter

- a. Paul noted that David Whitcomb raised the issue with language in §3.2(B)(3) regarding moral turpitude. Issue was tabled until David was present to discuss the matter.
- b. The Commission set a second public hearing for April 26th at 6 PM.

4. Public Education Ideas

- a. The Commission brainstormed ideas to educate the public on the proposed charter changes and a proposed budget to prepare and distribute education materials.
- b. **Motion made by Thomas Lyon, 2nd by Jim Irwin to request \$3,000 from City Council for the public education effort. Approved 9-0.**

5. Proposed Referendum Questions

- a. The Commission reviewed the proposed four referendum questions and considered reducing the number to three.
- b. Michele will draft for the Commission's consideration.

6. Adjourn

- a. Meeting Adjourned at 6:30 PM

APPENDIX D
CHARTER REVIEW COMMITTEE
Wednesday, April 26, 2017
6:00 p.m.

Hurley Building Conference Room

Members Present: Paul Bringewatt, Chair; Thomas Lyon, Vice-Chair; John Goodwin, Secretary; Jim Irwin; David Whitcomb; Bob Palumbo; Matt Martin; Jack Chambers

Members Absent: Nick Cutri; Jadon Hoffman; Karen White

Advisors Present: Michele Smith

1. Public Hearing

- a. The Public Hearing was opened at 6:00 PM.
- b. No public was in attendance at 6:00 PM, however, the hearing remained open for the entire meeting to allow for public comments.

2. Administrative Information

- a. Paul informed the Commission that he and Thomas Lyon will be on the City Manager's FLTV show Canandaigua Conversations that will be recorded on May 15th.

3. Final Discussion on Proposed Charter

- a. David Whitcomb raised the issue that a crime of moral turpitude in §3.2 (B)(3) was ambiguous and differed from NYS Public Officer's Law. David asked the Commission to consider changing the language to be consistent with NYS Law.
- b. §3.2 (B)(8) already includes a "catch all" reference for all other events in accordance with NYS Public Officer's Law.
- c. *Motion made by John Goodwin, 2nd by Thomas Lyon to strike ~~or a misdemeanor involving a crime of moral turpitude.~~ Approved 8-0*

4. Public Education

- a. Paul presented the Public Education Program Ideas with include:
 - i. Talking with local civic organizations, clubs, etc.
 - ii. Holding public information meetings at the Library
 - iii. Utilizing Media and Electronic Outreach
 1. Social media – Facebook
 2. Newspapers – Messenger Post, Finger Lakes Times, Democrat & Chronicle
 3. Website
 - iv. Mailings
 1. A brochure in water bills
 2. Mailing to all registered voters
 3. Advertisement/insert in the Penny Saver
 - v. Getting Endorsements
- b. The Finance/Budget Committee approved the Commission's request for \$3,000 to prepare and distribute education materials. City Council will consider the item at its May 4, 2017 meeting.

5. Other

6. Adjourn

- a. Meeting Adjourned at 7:05 PM